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In re application of
Brundage et al.
Serial No. 09/603,585
Filed: June 26, 2000
For: BLENDING OF ECONOMIC,
ETHER FREE WINTER GASOLINE

DECISION ON PETITION

This is a response to the “REQUEST TO WITHDRAW NOTICE OF ABANDONMENT” filed August 27, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of August 23, 2004, for failure to timely file a proper reply because the period for seeking court review of the Board decision has expired and there are no allowed claims. The petitioner asserts that the Examiner abandoned the application prematurely on August 23, 2004, since the period for seeking court review expired on August 30, 2004.

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the evidence provided reveals that applicant's petition has merit. The facts presented indicate that the examiner abandoned the application prematurely. Accordingly, any holding of abandonment is hereby vacated for purposes of providing continuity with a continuing application filed on August 27, 2004. The present application is now abandoned as of August 30, 2004.

The Petition is **GRANTED**.

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